

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHAWN COLLINS,)	CASE NO.: 1:09 CV 347
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
KEITH SMITH, Warden,)	
)	ORDER
Defendant.)	

This matter is before the Court pursuant to the Petitioner's unsigned Motion to Voluntarily Dismiss his Petition. (ECF #17) Magistrate Judge George J. Limbert issued a Report and Recommendation recommending that the Court grant Petitioner's Motion and dismiss the Petition without prejudice if Petitioner files a signed copy of the motion. (ECF #19) Thereafter, Petitioner filed a Motion to Reinstate the Habeas Corpus Petition (ECF #20) stating that the Motion to Voluntarily Dismiss the Petition was filed by another prisoner, a law library clerk, without his knowledge or consent. In as much as the Petition has not been dismissed, Petitioner's Motion to Reinstate (ECF #20) is denied. Moreover, the Report and Recommendation is not adopted and Petitioner's unsigned Motion to Voluntarily Dismiss the Petition (ECF #17) is Denied. This matter is returned to the Magistrate Judge for all further proceedings.

IT IS SO ORDERED.

DATED: November 22, 2010


DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE